

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
vs.                            )  
                                  )  
                                  )  
JOHN PALMA,                )  
                                  )  
                                  )  
Defendant.                    )

8:04CR422  
ORDER

This matter is before the court on defendant's MOTION TO CONTINUE TRIAL (#28). Trial is now set for May 17, 2005. The motion alleges good cause for a continuance, but defendant has not filed a waiver of speedy trial as required by NECrimR 12.1(a).<sup>1</sup> Accordingly,

**IT IS ORDERED** that defendant's MOTION TO CONTINUE TRIAL (#28) is held in abeyance pending compliance with NECrimR 12.1. Defendant shall file the required waiver before the close of business on **May 10, 2005**.

**DATED April 28, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**

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<sup>1</sup>The rule provides:

(a) **Content of Motion.** Unless excused by the court in individual cases, a motion to continue the trial setting of a criminal case must state facts demonstrating that the ends of justice served by a continuance outweigh the best interest of the public and the defendant in a speedy trial, (see 18 U.S.C. § 3161(h)(8)), or that for some other reason, the continuance will not violate the Speedy Trial Act. Unless excused by the court in individual cases, if the defendant is a moving party the motion shall be accompanied by the defendant's affidavit or declaration (see 28 U.S.C. § 1746) stating that defendant:

- (1) Was advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.;
- (3) With this understanding and knowledge, agrees to the filing of the motion; and
- (4) Waives the right to a speedy trial.